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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,953	09/07/2000	Tomohiro Mizuno	11103-019001	1964

7590

10/23/2002

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EXAMINER

NGUYEN, DZUNG C

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/656,953

Applicant(s)

MIZUNO ET AL.

Examiner

Dzung C Nguyen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### FINAL ACTION

1. Applicant's amendment filed on 7/29/02, has been received and entered.
2. Claims 1-4 are presented for examination.

#### *Claim Rejections - 35 U.S.C. § 112*

3. Claims 2-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said playing mechanism" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 U.S.C. § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al, US patent (5,046,059).

Regarding claim 1, Yoshida et al teach a disk player [fig 4] for holding a plurality of disks [CDS inside 105, fig 4] at disk standby positions [none play position] in a casing [105], so that a disk [CD] selected from said plurality of disks [one of the cd in 105] is

transferred to a disk playing area [110] in said casing and is reproduced, comprising: a plurality of disk trays [112, fig 8] stacked in a predetermined direction for receiving said plurality of disks [CDS] individually thereon (see fig 8); disk playing assembly [171, col. 11 lines 9] for playing one of said plurality of disks [CDS] at said disk playing area to reproduce information recorded on said disk [CD]; and a supporting mechanism [109a-b, fig 8, col. 7 col. 4 lines 40-52] for supporting said disk playing assembly thereon movably in a predetermined direction [x and y direction] (see figs 5 and 8), wherein during a movement in which one of said disk trays [112] is being moved from said disk standby area [storage position 105, fig 5] to said disk playing position [when the tray 112 position at the 110, fig 5], said one of disk trays [CD] comes into engagement with said disk supporting mechanism [109a-b] so that said disk playing assembly [171] is moved in said predetermined direction (see figs 5-8 and col. 11 lines 3-16).

***Allowable Subject Matter***

6. Claim 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 2, none of the prior art of record taken alone or in combination teaches or suggests that the support mechanism is rotatably support about a rocking fulcrum, said playing assembly is supported a part from said rocking fulcrum on said

supporting mechanism, and said playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum as clearly recited in claim 2.

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*The prior art made of record and not relied upon*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kim et al, US. Patent (5,777,957) shown discharger that can play a plurality of discs.

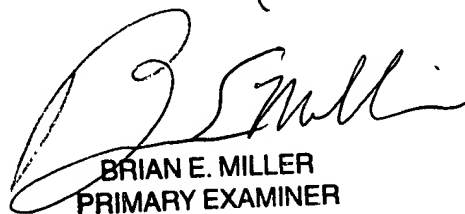
b. Mochizuki, US patent (6,091,676) shown a disc changer which can select one of the discs from the stack of discs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Nguyen whose telephone number is (703) 305-9695. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and fax number is (703) 872-9314.

Dzung Nguyen

10/12/02

  
BRIAN E. MILLER  
PRIMARY EXAMINER